

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 9:19CR20
	§	JUDGE RON CLARK
JAMES VINCENT CHANEY	§	

FACTUAL BASIS

The government presents to the Court, by and through the undersigned Assistant United States Attorney in and for the Eastern District of Texas, joined by the defendant, **James Vincent Chaney**, and the defendant's attorney John Dale McElroy, and presents this factual basis in support of the defendant's plea of guilty to Count One of the indictment and in support thereof, would show the following:

1. That the defendant **James Vincent Chaney**, hereby stipulates and agrees to the truth of all matters set forth in this factual basis, and agrees that such admission may be used by the Court in support of his plea of guilty to Count One of the indictment, which charges a violation of 26 U.S.C. §5861(d), possession of an unregistered destructive device.
2. That the defendant, **James Vincent Chaney**, who is pleading guilty to such indictment, is one and the same person charged in the indictment.
3. That the events described in the indictment occurred in the Eastern District of Texas and elsewhere.
4. That had this matter proceeded to trial, the government, through the testimony of witnesses, including expert witnesses, and through admissible exhibits, would

have proven, beyond a reasonable doubt, each and every essential element of the offense alleged in the indictment; specifically, the government would have proven the following stipulated facts:

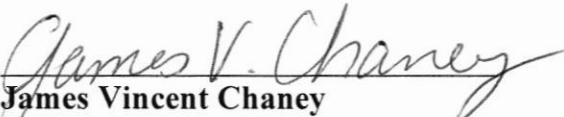
- a. On or about February 27, 2019, Polk County Sheriff's deputies arrived at a residence in Polk County to execute an arrest warrant for Defendant, **James Vincent CHANEY. CHANEY** and his common-law wife were both found in the residence. A subsequent search of the residence, after obtaining a search warrant, produced a Kimber, model 1911, .45 caliber pistol bearing serial number KU49952;
- b. Additionally, law enforcement officers located 10.6 grams of methamphetamine, a destructive device sitting in plain view on a cabinet, and drug paraphernalia.
- c. The device consisted of a Visco fuse (initiator), black electrical tape (confinement) and sparklers (explosive & shrapnel).
- d. An ATF Senior Explosives Enforcement Officer examined the device and determined that it constituted a destructive device as defined by 26 U.S.C. § 5845(f).
- e. An ATF Special Agent, queried the National Firearms Registration and Transfer Record and learned that **James Vincent Chaney** did not have any firearms or destructive devices registered with them.
- f. **James Vincent Chaney** committed the offense in the Eastern District of Texas.

- g. The firearm was a destructive device manufactured through the use of chemicals and a combination of parts intended for use in converting a readily assembled explosive;
- h. The firearm was and could readily have been put in operating condition

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

5. I have read this factual basis and the indictment or have had them read to me and have discussed them with my attorney. I fully understand the contents of this factual basis and agree without reservation that it accurately describes the events and my acts.

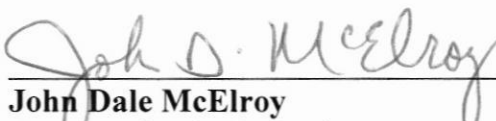
Dated: 7-16-19


James Vincent Chaney
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

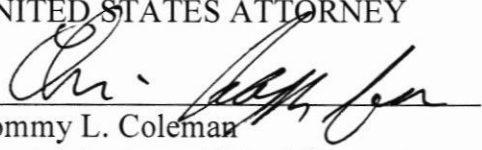
6. I have read this factual basis and the indictment and have reviewed them with my client, **James Vincent Chaney** based upon my discussions with the defendant, I am satisfied that the defendant understands the factual basis as well as the indictment, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: 7-16-19


John Dale McElroy
Attorney for the Defendant

Respectfully submitted,

JOSEPH D. BROWN
UNITED STATES ATTORNEY



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